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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,666	09/25/2001	Rudolf Kodes	1454.1079	6964

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WASHINGTON, DC 20005

EXAMINER
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THANGAVELU, KANDASAMY

ART UNIT	PAPER NUMBER
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2123

MAIL DATE	DELIVERY MODE
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10/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/889,666

Applicant(s)

KODES, RUDOLF

Examiner

Kandasamy Thangavelu

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2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-7,9,11,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7,9,11,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. This communication is in response to the Applicants' Appeal brief mailed on July 18, 2007. Claims 5-7, 9, 11, 20 and 21 of the application are pending. This office action is made non-final.

### ***Prosecution reopened***

2. In view of the Appeal Brief filed on July 18, 2007, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

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PAUL RODRIGUEZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 5-7, 9, 11 and 20-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 21 states in part, "preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship". The specification does not describe anywhere connecting the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship. The cause-and-effect relationship between the activities is not described anywhere in the specification. Therefore, claim 21 has no support in the specification.

Claims 5-7, 9, 11 and 20 are rejected because of their dependence on rejected claims.

***Claim Interpretations***

5. The specification describes at Para 003, engineering process having units having relationships; at Para 006, a first unit, a set of second units and a third unit; a second unit connected to a first unit; a third unit determined from the second units, which has a relationship with the first unit; at Para 0011, that the third unit can be a predecessor or successor of the first unit; at Para 0013, that units represent activities or results of the activities; a set of activities being able to act on an event; an event being a precondition for a plurality of activities; at Para 0031, that units are embodied as activities or results; at Para 0033, that activities have direct predecessors and direct successors; the predecessor results are illustrated; at Para 0035, that connection criteria includes predecessors and successors; units of different type are results and activities; at Para 0037, selecting a plurality of first units for which third units are determined from second units; at Para 0038, results are selected and all the following activities are determined; results being predecessors of activities; activities give rise to results.

Based on the above description, it is clear that the engineering process comprises of numerous activities; the activities have predecessors and successors. Therefore, the activities are connected in a predecessor/successor relationship. Since the specification does not describe the cause-and-effect relationship, but describes the predecessor/successor relationship, the Examiner has interpreted the cause and-effect relationship to be same as the predecessor/successor relationship.

The specification describes results being predecessors of activities and activities giving rise to results. It also describes a set of activities being able to act on an event and an event being a precondition for a plurality of activities. Therefore, the Examiner has interpreted an event to be same as a result.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 5-7, 11 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Valko** (U.S. Patent 5,303,170).

7.1 **Valko** teaches system and method for process modeling and project planning.

Specifically, as per claim 21, **Valko** teaches a (processing) method (for an engineering activity) (CL1, L7-8 L1-9; CL1, L10-18; CL1, L35-37; CL2, L43-64), comprising:

modeling an engineering activity having a plurality of interrelated events with relationships defined between the events (Fig. 1; CL1, L10-18; CL1, L51-53; CL2, L43-64; CL3, L27-31; CL3, L43-45);

displaying the model of the engineering activity with all relationships being shown (Fig. 1; CL3, L27-31; Fig. 9, Item 906; CL3, L43-465);

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selecting a first event of the engineering activity using a graphical user interface (CL2, L43-47; CL14, L48-49; Fig. 9, Items 602 and 906: it is inherent that such computer systems are provided with graphical user interface; See Agrawal et al. (U.S. Patent 6,278,977): CL3, L24-29);

preparing first connections to connect the first event of the engineering activity to a set of second events of the engineering activity in a cause-and-effect relationship (Fig. 1, A to B; B to C, D and E: Cause-and-effect relationship is interpreted as predecessor/successor relationship CL2, L51-54; CL3, L43-45);

determining at least one third event of the engineering activity from the set of second events (Fig. 1, D to F);

preparing at least one second connection to connect the at least one third event to the first event in a predecessor/successor relationship (Fig. 1, F to B); and

displaying the first event together with connections selected from the group consisting of the first connections and the at least one second connection, the first event and the connections being displayed without displaying any relationship unless the relationship is defined by a first or second connection (Fig. 1, First event = B; First connection = B to D; Second connection = F to B).

Per claim 5: **Valko** teaches that the events have a predecessor/successor relationship with respect to one another (CL2, L43-47; CL2, L51-54; CL2, L61-64).

Per claims 6 and 7, **Valko** teaches that the first event precedes the third event in the predecessor/successor relationship; the third event succeeds the first event in the predecessor/successor relationship (Fig. 1, B to F).

Per claim 11: **Valko** teaches that the graphical representation is effected by means of actuation using a context-sensitive menu (CL2, L43-47; Fig. 9, Items 602 and 906: it is inherent that such computer systems are provided with graphical user interface which provide context-sensitive menu; See Agrawal et al. (U.S. Patent 6,278,977): CL3, L24-29).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Valko** (U.S. Patent 5,303,170) in view of **Agrawal et al.** (U.S. Patent 6,278,977).

10.1 As per claims 9 and 20, **Valko** does not expressly teach that the events have associated information generated as results of the activities. **Agrawal et al.** teaches that the events have associated information generated as results of the activities (CL7, L57-59). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the method of **Valko** with the method of **Agrawal et al.** that included the events having associated information generated as results of the activities, because that would allow the methodology to automatically derive and steadily improve the process model and project planning (Abstract, L3-9).

### ***Response to Arguments***

11. Applicant's arguments with respect to 35 USC 103 (a) rejections filed on July 18, 2007 have been considered. Applicant's arguments with respect to 35 USC 103 (a) rejections are moot in view of new art rejections provided in this Office Action.

### ***Conclusion***


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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kandasamy Thangavelu whose telephone number is 571-272-3717. The examiner can normally be reached on Monday through Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Thangavelu', with a stylized flourish extending from the end.

K. Thangavelu  
Art Unit 2123  
October 4, 2007